IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT **PETITION NO.3160 OF 2004**

Shri R.C.Agrawal ..Petitioner

Vs.

State Bank of India & Ors..Respondents

Mr. Jay Chokshi i/b. C.R. Naidu & Co., for the Petitioner

Mr. Sachin S. Satpute i/b. S.Ashwinikumar & Co., for Respondent No.1.

CORAM: **F.I. REBELLO &**

ANOOP V. MOHTA, JJ.

DATE: 1ST SEPTEMBER 2006

P.C.

. Petitioner was a guarantor for the loan in respect of a Company. That company has been wound up. In the company proceedings the property of the company was put up for sale. It is the case of the petitioner herein that the respondents opposed the sale and on account of that the property fetched lesser value and as such the present petitioner suffered loss on account of the conduct of the financial institutions. Such a dispute could not have been the subject matter before the D.R.T. as it

is a clear case of damages. Considering that the D.R.T. was right in rejecting the application. If the petitioner has any other remedy at law it will be open for him to pursue the same. With the above observation petition disposed of.

(F.I. REBELLO, J)

(ANOOP V. MOHTA,J).